S.B. CIVIL WRIT PETITION NO.3646/2007.
Radha Ballabh Katta
Vs.
Civil Judge (Jr.Division) West Jaipur & Ors.

Date of order :- 17/5/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Satish Khandelwal for the petitioner.

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The petitioner has filed this writ petition with the prayer that the learned Civil Judge (Junior Division) and Judicial Magistrate (West) Jaipur City, Jaipur may be directed to decide the suit being Civil Suit No.117/2004 (Krishna Gopal Mehra Vs. Ballabh Das Katta and ors.) within two weeks. According to the counsel, the suit in nature of inter-pleader was filed in the year 2004 and due to delay in the trial the plaintiff was taking undue advantage. Learned counsel has given reference to the provisions of Order 35 Rule 5 CPC in this respect and has stated that inspite of the fact that number of dates have been fixed for framing the issues, but still the issues have not been framed.

Although, it may be true that the trial of the

civil suit in question have been adjourned on number of dates but that cannot become a ground for issuing a direction by this Court that trial of this particular matter or any other case should be conducted within two months. Petitioner however can always invited attention of the court towards the delay and prolonged pendency of the proceedings by making an appropriate application. However, it is noticed that if what the petitioner is stating is correct that as many as 15 dates have been fixed till date for framing issues but issues has yet not been framed, this fact need to be taken note of by the trial court.

Accordingly, the writ petition is disposed of.

(MOHAMMAD RAFIQ), J.

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